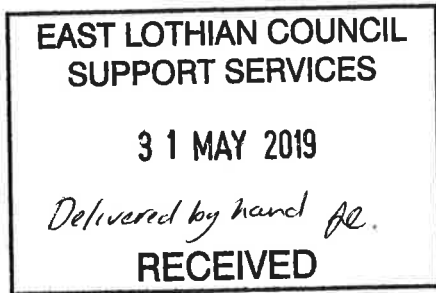


Mr Paul Gray John Gray
5 Sheriffhall Mains Cottage
Dalkeith
Midlothian
EH22 1RX



Application No.17/00157/99
Land at Meadowmills
Tranent
East Lothian. EH22 16Z

Clerk to the Local Review Body
Committee Team
Communications and Democratic Services,
John Muir House,
Haddington East Lothian,
EH41 3HA
A.P.P.N./17/00157/PP

31 MAY 2019

Dear Sir, Madam

We were advised by "East Lothian Planning Policy" team manager to request our lands Policy be reviewed for change through the new emerging S.E.S. PLAN, which gives land owners the opportunity to promote derelict land such as ours, however! After taking his advice, and waiting, "Five Years", we were so disappointed to learn, our proposal for Policy change was basically ignored! By Scottish Gov." as were lots of other "small", Proposals of the same.

After our long wait for new Policy change, we then approached the E.L.P.D. And arranged a meeting with E.L.P. Manager, "Iain McFarlane," and M.S.P. "Colin Beattie," at this meeting Mr McFarlane said, as my lands policy still remains on policy D.C.1. It does not cover housing, I then requested" would he please explain approval of the new detached one, and a half storey house built at the west side of the existing houses. Known as "Meadowmills Cottages", his reply was, he does not know of any such new house, his Secretary, who was taking down the minutes, interrupted! And stated yes a new house was built there. I then suggested this has set a "Precedent," Mr Mc Farlane then replied, I supposed it has, he then went on to say, are you aware you can approach your local councillors, and take proposals through the "Committee". I have taken Mr McFarlane advice.

Separate document is to be added to Statement of review on Page No.3. Paragraph No.8

The new "detached house" allowed! To be built at the end of the existing row of houses known as "Meadowmills", has made such a "massive", impression, on the exchange of, one section of scrubland, for one "sympathetically" well designed house. However, this Previous Occurrence, has now set a Precedent and encouraged us to do the same. Hence the reason for our Planning Application the small alignment of remaining scrubland would be removed, and replaced with possibly detached, or similar to that of the new house along with landscaping, also appropriate Planning approval, and thoughtful design.

As a new detached house now stands on this alignment we are fortunate, in the respect, we can actually see the impact! Proposals would make i.e. before, and after! these proposals would create a north side screen of landscape, along the entrance in to "Meadowmills", as this north frontage of scrubland is the first! Visual contact received! After coming over this Quirky Bridge Area.

I have also enclosed for your attention, document from "Planning Officer" "Stephanie McQueen", who suggests that our application site is within a wider area that is allocated as countryside land by Policy D.C.1 of the adopted East Lothian Local Plan 2008 as the application site located immediately to the west of the existing grouping of housing and building of Meadowmills.

S.E.S. Plan stated that part of its strategy was to allow owners derelict land such as ours the opportunity to apply to "Scottish Government" along with Proposals for Development, I would suggest that some of the E.L.P.D. are still not, "adhering" to "Scottish Ministers" Demands

Yours Faithfully



PAUL GRAY

JOHN GRAY

App No. 17/00157/PP

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008**

**Mr Paul Gray
5 Sheriffhall Mains Cottage
Dalkeith
Midlothian
EH22 1RsX**

APPLICANT: Mr Paul Gray

With reference to your application registered on 28th March 2017 for planning permission in principle under the above mentioned Acts and Regulations for the following development, viz:-

**Planning permission in principle for housing development
at
Land At Meadowmill
Tranent
East Lothian**

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **REFUSE PLANNING PERMISSION IN PRINCIPLE** for the said development.

The reasons for the Council's refusal of planning permission in principle are:-

- 1 The development of the site for housing is, in principle, contrary to Policies DC1, DC4 and DC8 of the adopted East Lothian Local Development Plan 2018, and Scottish Government policy guidance regarding the control of new housing development in the countryside given in Scottish Planning Policy: June 2014.
- 2 If approved the proposed development would set an undesirable precedent for the development of new houses elsewhere in the East Lothian countryside. Moreover, it would narrow the gap between the area of land that remains in a countryside designation between the

settlements of Prestonpans and Tranent. The cumulative effects of which would result in a detrimental impact on the rural character and amenity of the countryside of East Lothian.

- 3 The site is within a Coal Authority Development High Risk Area and a Coal Mining Risk Assessment Report has not been submitted by the applicant. Consequently the applicant has failed to demonstrate that the proposed development would not place buildings or persons at risk from past mining related activities.

The report on this application is attached to this Decision Notice and its terms shall be deemed to be incorporated in full in this Decision Notice.

Details of the following are given in the application report:

- the terms on which the Planning Authority based this decision;
- details of any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
DWG1	-	27.02.2017
DWG2	-	27.02.2017
DWG3	-	27.02.2017

1st March 2019



IAIN MCFARLANE
SERVICE MANAGER - PLANNING

NOTES

If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

OFFICER REPORT

21st February 2019

App No. 17/00157/PP

Application registered on 28th March 2017
Target Date 27th May 2017

Proposal	Planning permission in principle for housing development	SDELL	Y/N
Location	Land At Meadowmill Tranent East Lothian	CDEL Bad Neighbour Development	Y/N Y/N

APPLICANT: Mr Paul Gray

Is this application to be approved as a departure from structure/local plan? Y/N

5 Sheriffhall Mains Cottage
Dalkeith
Midlothian
EH22 1RsX

DECISION TYPE: **Application Refused**

PLANNING ASSESSMENT

Planning permission in principle is sought for a housing development on a roughly rectangular shaped area of land measuring some 2625 square metres that forms the northernmost part of a field occupying a countryside location at Meadowmill between Tranent and Prestonpans.

The site is bounded to the north by a grass verge and an unclassified public road beyond which lies the main east coast railway line; to the west by a grass verge and an unclassified public road beyond which lies a landscaped area including a high pyramidal landscape feature and beyond that Meadowmill Sports Centre; to the south by the remainder of the field which the application site forms part of and to the east by a row of houses known as Meadowmill Cottages.

The application site is presently rough scrubland enclosed along its north and west boundaries by post and wire fencing and hedging with some trees lining those boundaries and along its east boundary with the high fencing and leylandi hedging which encloses the boundary of the residential property to the east. There is presently no means of enclosure along its southern boundary. There are two field access gates on the northern boundary of the site. The land of the site is uneven with a slight downward slope from north to south.

(4) The site lies within an area of the countryside between the towns of Tranent and Prestonpans which is defined by Policy DC8: Countryside Around Towns of the adopted East Lothian Local Development Plan 2018 as being land which is subject to development pressure which should be retained as open or undeveloped. It is also within an area identified by The Coal Authority as being a Coal Mining Development High Risk Area and within the boundary of the Battle of Prestonpans, a battlefield included within the Inventory of Historic Battlefields.

COAL MINING REPORT ENCLOSED

(5) A site layout drawing has been submitted with the application which indicates how nine houses, consisting of two terraces of four houses and one detached house with an L shaped footprint, might be laid out in a row along the northern part of the site along with front and rear gardens for each house. The site plan indicates that a new vehicular access might be taken from the unclassified road to the west of the site and that an internal access road, a turning area and parking for 16 cars would be formed along the southern part of the site. Parking for the detached house would be formed within its curtilage. The site plan does not indicate the orientation of the houses nor does it include any details on the height, number of storeys, design or materials of the proposed houses.

(6) Subsequent to the registration of this application and on the recommendation of the Council's Environmental Health Service Manager the applicant's agent has submitted a Noise Impact Assessment Report.

(7) Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan unless material considerations indicate otherwise.

(8) The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018 (ELLDP)

(9) Policies 5 (Housing Land) and 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DP1 (Landscape Character), DP2 (Design), DP3 (Housing Density), DP8 (Design Standards for New Housing Areas), DC4 (New Build Housing in the Countryside), Policy DC8 (Countryside Around Towns), NH8 (Trees and Development), NH13 (Noise), CH5 (Battlefields), DEL1 (Infrastructure and Facilities Provision), HOU2 (Maintaining an Adequate 5 year Effective Housing Land Supply), HOU3 (Affordable Housing Quota), T1 (Development Location and Accessibility), T2 (General Transport Impact), and T32 (Transport Infrastructure Delivery Fund) of the adopted East Lothian Local Development Plan 2018 (ELLDP) are relevant to the determination of the application. ENCLOSED.

(10) The "Design Standards for New Housing Areas" Supplementary Planning Guidance was approved by the Council on 10 March 2008. A revised version was approved for consultation by the Council on 27 October 2018. This guidance requires that a more flexible approach be taken in road layout and design for proposed housing developments and sets core design requirements for the creation of new urban structures that will support Home Zone type development as well as establishing design requirements for the layout of and space between buildings. Developers must provide adequate information to the satisfaction of the Council to demonstrate the merits of their design.

(11) Also material to the determination of the application is Scottish Government guidance given in Scottish Planning Policy: June 2014.

One of the main 'Outcomes' of Scottish Planning Policy (SPP) is to create successful, sustainable places by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

(12) This is reflected in paragraph 25 of SPP in which it is stated that the Scottish Government's commitment to the concept of sustainable development is reflected in SPP'S Purpose. It is also reflected in the continued support for the five guiding principles set out in the UK's shared framework for sustainable development. Achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits.

(13) The principle in delivering this through the Development Management function is contained in paragraph 33 of SPP, in which it is stated that where relevant policies in a development plan are out of date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.

(14) Paragraph 110 of SPP states that the planning system should identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times.

(15) A further material consideration is Scottish Government Policy Statement Designing Streets and Planning Advice Note 67: Housing Quality. They provide an overview of creating places, with street design as a key consideration. They advise on the detail of how to approach the creation of well-designed streets and describe the processes which should be followed in order to achieve the best outcomes. PAN 67 states that the planning process has an essential role to play in ensuring that the design of new housing reflects a full understanding of its context in terms of its physical location and market conditions, reinforces local and Scottish identity, and is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

(16) Also material to the determination of the application are the written representations to the proposals. A total of 4 written objections have been received all of which raise objections to the proposals.

The main grounds of objection can be summarised as follows:

- (17)
1. The land proposed to be built on is classed as 'DC1' and therefore not suitable for housing development;
 2. The traffic entering into Meadowmill is already at a large volume and this proposal would lead to increased traffic;
 3. The height of the proposed houses would be out of character with the surrounding area and the land of the application site is already considerably higher due to the owners previous activity of dumping rubbish on it;
 4. The type of housing that is proposed will de-value neighbouring property;
 5. The proposer will continue to build more housing on the DC1 land he owns if this development is allowed to go ahead;
 6. The applicant has shown a blatant disrespect of the land here in the past with landfill and rubbish dumping;
 7. Loss of privacy to neighbouring property;
 8. Increased noise and pollution to neighbouring property from proposed vehicle turning area;
 9. Two storey houses would impact on the light received by neighbouring property;
 10. Nine new houses would infringe on the tranquillity of neighbouring houses in this very quiet 'rural' street.

(18) The matters raised by objectors regarding loss of property value is not a material consideration in the determination of a planning application.

(19) This planning permission in principle application is supported by an illustrative drawing that demonstrates indicatively that a development of nine houses could be accommodated on the site.

(20) If planning permission in principle were to be granted, the details of the siting, design and external appearance of a housing development of the site, the landscaping of the site and the means of access to the proposed development would require the subsequent approval of the Planning Authority. Through the subsequent determination of such details in relation to Scottish Government Policy of Designing Streets and the Council's "Design Standards for New Housing Areas" Supplementary Planning Guidance as well as the relevant design policies of the ELLDP, planning control would be exercised to ensure that the built form of the development could be carried out in an acceptable way, with due regard to the need to safeguard the character and appearance of this site and to safeguard the privacy and amenity of neighbouring residential properties. This would include ensuring that the proposed houses would not result in a harmful degree of overshadowing or overlooking to existing neighbouring residential properties.

(21) Historic Environment Scotland have been consulted on the application as the site is within the wider referral area for the Battle of Prestonpans. Historic Environment Scotland raise no objection to the application but recommend consultation with the Council's archaeological service on archaeological implications of development in this area.

(22) The Council's Heritage Officer has been consulted and has confirmed that he has no comments to make on the application.

(23) In response to concerns raised by the Council's Environmental Health Service Manager that noise associated with the B1361 Road and East Coast Main Line, both to the north of the application site may impact upon the amenity of occupiers of the proposed houses, the applicant has submitted a Noise Assessment which assesses impacts of road and railway noise.

The Council's Environmental Health Service Manager has considered the report and advises that he agrees with its findings and is satisfied that no mitigation measures are considered necessary to protect external amenity. However, to protect internal amenity of the occupants of the proposed houses from road/rail noise the Council's Environmental Health Service Manager recommends that a condition be imposed if planning permission in principle is to be granted requiring that the glazing units of any noise sensitive rooms (bedrooms/living rooms) shall be acoustically glazed. Were planning permission in principle to be granted for the proposed development then this requirement could be secured by a condition of a grant of planning permission in principle.

- (26) The Council's Environmental Health Service Manager also advises that there is no historical evidence to suggest there are contaminated land issues on the site however the site has in recent years been upfilled with imported materials which may not be inert. Given the unknown nature of this fill material and the sensitive nature of the proposed development he recommends that a condition be attached if planning permission in principle is to be granted requiring that a Geo-Environmental Site Investigation Report must be submitted to and approved by the Planning Authority prior to any site development works taking place. Were planning permission in principle to be granted for the proposed development then this requirement could be secured by a condition of a grant of planning permission in principle.

ENCLOSED S.E.P.A DOCUMENT EVIDENCE THIS WORKS WERE CONTROLLED. CONTACTED SCOTT CALLOW

With the imposition of conditions to cover these recommendations of the Environmental Health Service, the proposed development in principle does not conflict with Policy NH13 of the ELLDP.

- (25) As the application site is within a wider area identified by the Coal Authority as being potentially at high risk from past mining related activity the Coal Authority has been consulted on the application. A Coal Mining Risk Assessment has not been submitted with the application. As a statutory consultee the Coal Authority has a duty to respond to planning applications in order to protect the public and the environment in mining areas. The Coal Authority have advised that as a Coal Mining Risk Assessment report has not been submitted with the application and thus as it has not been demonstrated that any past coal mining features and hazards can be mitigated for, the Coal Authority raises objection to the application. The applicant has been advised that unless a Coal Mining Risk Assessment report for the application site is submitted and it can be demonstrated that any coal mining features and hazards can be mitigated for the Coal Authority will continue to object to the application on the grounds that it has not been demonstrated that the proposed development would not have a harmful affect on the public and the environment. Notwithstanding that advice the applicant has chosen not to submit a Coal Mining Risk Assessment report. Accordingly the proposed development of the site may place buildings and persons at risk from past coal mining activities. COAL REPORT ENCLOSED.

- (26) Scottish Water has made no comment on the application.

- (27) The Council's Outdoor Access Officer advises that provision of a shared use footpath/cycle path along the north and west sides of the site and an appropriate road crossing point (including dropped kerbs) should be provided for walkers/cyclists to cross the road from the site towards Meadowmill Sports Centre and to encourage and facilitate sustainable travel (walking/cycling) from the site to Prestonpans Station (as well as to reach the amenities in Prestonpans town and Meadowmill Sports Centre), and to ensure the safety and amenity of walkers and cyclists travelling/commuting between the new Blindwells new town site and Prestonpans Station

along this route. It would be unreasonable to require the applicant to provide a shared use path to serve another development, in this case the Blindwells new town site, and in any case it is a conditional requirement of the planning permission in principle for the Blindwells site that a new continuous shared use (walking/cycling) path from that site to Pretonpans Railway Station be provided. However were planning permission in principle to be granted for the proposed development then a condition could reasonable be imposed requiring the provision of a shared use (walking/cycling) path along the north and west sides of the site to encourage and facilitate sustainable travel from the site to existing path provision nearby.

(28) The Council's Road Services have also advised that a path should be provided along the north side of the site and that it should be continued westwards, on Council owned land, to the nearest bus stop on the southside of the B1361. Were planning permission in principle to be granted for the proposed development then this Road Services recommendation could also be set as a required development principle for the application site and could be secured through a planning condition. The Council's Road Services have recommended that the developer produces a Transport Statement for consideration and comment. They have not provided any reasoning for this or advised what it should contain and it would therefore not be reasonable for the Council as Planning Authority to require the submission of a Transport Statement. The Council's Road Services raise no objection to the indicative access and parking arrangements detailed in the applicants drawing.

(29) With the imposition of conditions to cover Road Services recommendations, the proposed development in principle does not conflict with Policies T1 or T2 of the ELLDP.

(30) The Council's Landscape Project Officer advises that the proposals to develop this site would detrimentally change the landscape character of this site from open and rural to built up and residential. However she is satisfied that were the houses to be carefully designed and subject to appropriate landscape mitigation in the form of hedge and tree planting then this detrimental impact could be satisfactorily mitigated. This mitigation should include robust planting and a single storey house in the northwest corner of the application site. She advises that if planning in principle were to be granted, conditions should be imposed on a grant of planning permission in principle to ensure that any trees proposed for removal should be shown, together with any mitigating planting, on the subsequent details which would be required to be submitted for the approval of the Planning Authority. She advises that these details should allow for the retention (and protection during the course of development) of the sycamore tree within the west end of the site due to its importance in separating the rural undeveloped entrance to Meadowmill Sports Centre from the hamlet of Meadowmill, replacement planting to mitigate for the loss of any of the other trees within the site, hedgerow planting along boundaries not already enclosed by hedgerows and tree protection where necessary if a footway is to be formed to link to the bus stop to the west. These landscaping and tree protection requirements could be secured by conditions on a grant of planning permission in principle.

With the imposition of conditions to cover landscaping, tree retention and tree protection, the proposed development in principle does not conflict with Policy NH8 of the ELLDP.

(31) Policy DEL1 of the ELLDP stipulates that new housing will only be permitted where appropriate provision for infrastructure, required as a consequence of the development, is made. Policy T32 of the ELLDP specifically relates to the package of transportation interventions to mitigate the cumulative impact of development on the transport network which

have been identified by the Council in consultation with Transport Scotland. In line with Policy DEL1, relevant developments are required to contribute to the delivery of these transportation interventions, on a proportionate, cumulative pro-rata basis, as set out in Developer Contributions Framework Supplementary Guidance.

- (32) The Council's Planning Obligations Officer advises that as this proposal relates to land not allocated for development through the ELLDP its impacts and contributions have not been identified through the LDP and Developer Contributions Framework Supplementary Guidance transport appraisal process. (However, he advises that the nearest assessed ELLDP site (Blindwells – 1,600 dwellings) can be used as a reasonable proxy to establish the relationships between the proposed development and planned interventions in this location) and the scale and kind of that relationship and subsequent contributions. Therefore, the Council's Planning Obligations Officer has advised that following the approval of the updated Developer Contributions Framework at the Council meeting on 29 May 2018 the contributions required for each transport intervention are as detailed below:
 - (33) * Improvements to Salters Road Interchange (PROP T17): £121.44
 - * Musselburgh Town Centre improvements (PROP T21): £92.82
 - * Tranent Town Centre Improvements (PROP T27 and T28): £259.36
- (34) The Council's Planning Obligations Officer also advises that Segregated Active Travel contributions should apply as this site is within 1.2km of the Segregated Active Travel Corridor (PROP T3). Contributions are set at £492 per dwelling in the 2018 Developer Contributions Framework Supplementary Guidance and therefore the Segregated Active Travel Contribution required for this proposed development is £4,428.
- (35) The total contribution required for transportation improvements resulting from cumulative impacts of the development is therefore £4,901.63.
- (36) The total developer contributions towards the transportation interventions of £4,901.63 (indexed linked) could be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements.
- (37) The Council's Depute Chief Executive (Resources and People Services) informs that the application site is located within the school catchment areas of Sanderson's Wynd Primary School and Ross High School, Tranent.
- (38) He advises that Sanderson's Wynd Primary School will have sufficient capacity to accommodate children that could arise from the proposed development, however he also advises that Ross High School would not have sufficient capacity to accommodate children that could arise from the proposed development. Therefore he objects to the application on the grounds of lack of permanent capacity at Ross High School. However, he would withdraw that objection provided the applicant makes a financial contribution to the Council of £39,105 towards the provision of additional school accommodation at Ross High School.
- (39) The required payment of a financial contribution of a total of £39,105 towards the provision of additional accommodation at Ross High School can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other

appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy ED7 of the ELLDP which stipulate that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made.

(40) Subject to the payment of the required contribution towards transport interventions and education provision the proposal is consistent with Policies DEL1, ED7 and T32 of the ELLDP.

(41) The Council's Economic Development & Strategic Investment Manager advises that a grant of planning permission in principle would require to be subject to provision of 25% of all housing units to be developed as affordable housing. They should be provided on site or if it can be demonstrated to the Council that this, or the off-site provision of the required affordable units is not practicable, a commuted sum payment should be made to the Council in lieu of such an on or off-site provision. The terms for the provision of this affordable housing requirement could be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement the proposal would be consistent with Policies HOU3 and HOU4 of the ELLDP. CONVERSED WITH ANNA STEWART

(42) Notwithstanding the above material considerations, it is now necessary to consider whether or not the principle of the proposal is acceptable.

(43) The application site is in a countryside location within East Lothian. It is not identified in the ELLDP as being within a settlement and the ELLDP does not allocate the land of the site for housing development. The ELLDP identifies the site and the land around it as being a 'Countryside Around Towns' area which is subject to development pressure but should be retained as open or undeveloped. DISCRETIONARY! NOT! MANDATORY! I ALSO QUOTE NEW HOUSE ALLOWED - THIS HAS SET A PRECEDENT. NOT! DEMOCRATIC
Consequently, the principle of a housing development on the application site must be assessed against national, strategic and local planning policy relating to the control of new housing development in the countryside. THERE IS NO WAY! THIS IS "COUNTRYSIDE" LAND

(44) In Paragraph 76 of Scottish Planning Policy: June 2014 it is stated that Local Development Plans should make provision for most new urban development to take place within or in planned extension to existing settlements. Paragraph 81 states that in accessible or pressured rural areas, where there is a danger of unsustainable growth in long distance car based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate.

(45) By being within the countryside the application site is covered by Policy DC1 of the ELLDP and this site and the area around it are further covered by Policy DC8 of the ELLDP. Policy DC4 of the ELLDP deals specifically with new build housing in the countryside. Policy DC1 states that development in the countryside, including changes of use of conversion of existing buildings, will be supported in principle where it is for: a) agriculture, horticulture, forestry, infrastructure or countryside recreation; or b) other businesses that have an operational requirement for a countryside location, including tourism and leisure uses. Policy DC4 sets out

(46) specific criteria for new build housing development in the countryside. In relation to small scale housing proposals it states that outwith the constrained coast these will only be supported where there is no existing building suitable for conversion and it is for affordable housing and evidence of need is provided, and the registered affordable housing provider will ensure that the dwellings will remain affordable for the longer term. Proposals should be very small scale and form a logical addition to an existing small-scale rural settlement identified by the ELLDP. Policy DC8 states that development that would harm the objectives of the specific Countryside Around Town area, as defined in supplementary planning guidance, will not be permitted. New development within areas designated as Countryside Around Towns will be supported in principle only where: i) it is required to implement part of the green network strategy as defined by that strategy; ii) it is required for community uses; iii) it is required for rural business, tourism or leisure related use; iv) it is essential infrastructure that has a clear operational requirement for that particular location and there is no other suitable site available.

ABOVE: I QUOTE PARAGRAPH(45) ALSO AFFORDABLE HOUSING (DEFT. ANNA STEWART)

(47) The building of houses on the application site would constitute sporadic development in the countryside. There is no agricultural or other employment use presently in operation to justify the need for any new houses on the application site. The applicant has not advanced any such case of justification of need for the principle of the proposed housing development. The applicant has not advanced a case that the proposed development would be an affordable housing scheme brought forward along with a Registered affordable housing provider or provided evidence of need for an affordable housing scheme. In the absence of any such direct operational requirement or justified supporting case for the erection of houses within the application site, the principle of such proposed development on the site is inconsistent with national, strategic and local planning policy and guidance concerning the control of development of new build houses in the countryside. Specifically, the proposal to erect houses on the site is in principle contrary to Policies DC4 and DC8 of the ELLDP and Scottish Government policy guidance regarding the control of new housing development in the countryside given in Scottish Planning Policy: June 2014.

(48) If approved the proposed development would set an undesirable precedent for the development of new houses anywhere in the East Lothian countryside. Moreover, it would narrow the gap between the area of land that remains in a protected countryside designation between the settlements of Tranent and Prestonpans the cumulative effects of which would result in a detrimental impact on the rural character and amenity of the countryside of East Lothian.

(49) However, the countryside designation of the land of the site must be weighed against the requirement of SESplan Policy 7 that this countryside designation be considered in the context of the housing land supply

(50) SESplan Policy 7 states that planning authorities may allocate or grant planning permission for housing development on greenfield sites within or outwith the strategic development areas in order to maintain a five years supply of effective housing land, subject to the ability of a proposal to satisfy the relevant criteria of the policy.

(51) Importantly, however, the application of Policy 7 is not mandatory, it is discretionary, as indicated by the use of the word 'may' within the opening paragraph of the policy. Policy 7 should only be applied when and where the application of it is needed in order to maintain an adequate five years supply of effective housing land.

- (52) The Council's 2018 Housing Land Audit has been agreed with Homes for Scotland. Based on that up to date 2018 Housing Land Audit, the Council is able to demonstrate an adequate 5 years supply of effective housing land.
- (53) For the avoidance of doubt, the application of SESplan Policy 7 is not mandatory, it is discretionary. Policy 7 should only be applied when and where it is needed in order to maintain an adequate five years supply of effective housing land. In this context, demonstrating an adequate supply of effective housing land, and because the application site does not feature in the sites allocated for housing development in the East Lothian Local Development Plan or the agreed 2018 Housing Land Audit, Policy 7 should not be applied to support the principle of residential development on this site.
- (54) In conclusion there are no material considerations which outweigh the conclusions that the new build housing development proposed in this application is not required to contribute towards an effective five year housing land supply, would constitute sporadic housing development in the countryside contrary to Policies DC4 and DC8 of the adopted East Lothian Local Development Plan 2018 and thus also contrary to Scottish Government policy guidance regarding the control of new housing development in the countryside given in Scottish Planning Policy: June 2014 and that it may place buildings and persons at risk from past coal mining activities.

REASONS FOR REFUSAL:

- 1 The development of the site for housing is, in principle, contrary to Policies DC1, DC4 and DC8 of the adopted East Lothian Local Development Plan 2018, and Scottish Government policy guidance regarding the control of new housing development in the countryside given in Scottish Planning Policy: June 2014.
- 2 If approved the proposed development would set an undesirable precedent for the development of new houses elsewhere in the East Lothian countryside. Moreover, it would narrow the gap between the area of land that remains in a countryside designation between the settlements of Prestonpans and Tranent. The cumulative effects of which would result in a detrimental impact on the rural character and amenity of the countryside of East Lothian.
- 3 The site is within a Coal Authority Development High Risk Area and a Coal Mining Risk Assessment Report has not been submitted by the applicant. Consequently the applicant has failed to demonstrate that the proposed development would not place buildings or persons at risk from past mining related activities.

LETTERS FROM



**East Lothian
Council**

Our Ref: 17/00157/PP
Ask For: Stephanie McQueen
Direct Line: 01620 827210
E-Mail: smcqueen@eastlothian.gov.uk
Date: 28 April 2017

PLANNING PHONE (LINDA)
21ST JAN 2019
WILL SEND PAUL E.MAIL

John Muir House
Haddington
East Lothian
EH41 3HA
Tel 01620 827827

Mr Paul Gray
5 Sherrifhall Mains Farm Cottage
Dalkeith
Midlothian
EH22 1RX

Dear Mr Paul Gray,

Planning application 17/00157/PP: Planning permission in principle for housing development at Land at Meadowmill, Tranent, East Lothian

I refer to the above named planning application.

The application site is within an wider area that is allocated as countryside land by Policy DC1 of the adopted East Lothian Local Plan 2008. However, the application site is located immediately to the west of the existing grouping of houses and buildings of Meadowmill. The Council's Interim Planning Guidance for planning applications for housing on land not allocated for this purpose would be a consideration in the assessment of the proposed development. I am awaiting consultation comments from the Policy & Projects Section on this matter and I will respond to you on this matter in due course.

In the meantime I will provide you with the feedback from the consultation comments that I have received to date:

1. Firstly, the application site is within a wider area identified by the Coal Authority as being potentially at risk from past mining related activity and as such a Coal Mining Risk Assessment report is required to be submitted for the application site. As a Coal Mining Risk Assessment report has not been submitted with the application and thus as it has not been demonstrated that any past coal mining features and hazards can be mitigated for, the Coal Authority raises objection to the application. Accordingly, unless a Coal Mining Risk Assessment report for the application site is submitted and it can be demonstrated that any coal mining features and hazards can be mitigated for the application would be moved to be refused. I have attached a copy of the Coal Authority's comments for your information.

The application site is in close proximity to the B1361 classified public road some 50 metres to the north of the site, the A1 Trunk Road, which passes some 425 metres to the south of the site, and the East Coast Railway line, which is some 15 metres to the north of the site. Both the B1361, the A1 Trunk Road and the East Coast Railway line pose the potential for noise nuisance to the amenity of the occupiers of the proposed housing development. On this

matter I have received consultation comments from the Council's Environmental Protection Service.

2. The Council's Environmental Protection Service advises that there are concerns that noise associated with the B1361 Road and East Coast Main Line to the north of the proposed site may impact upon the amenity of occupiers of the proposed housing. Accordingly, a Noise Assessment should be carried out to assess the potential impacts of road and railway noise. The Noise Assessment should identify any mitigation measures considered necessary to ensure the following criteria can be met:

- Ensure compliance with daytime and night-time internal noise levels specified in Table 4 of BS8233:2014 "Guidance on sound insulation and noise reduction in buildings".
- Ensure compliance with WHO "Guidelines for community noise" internal level of <math><45\text{dB}_{L_{\text{Amax}}}</math> (not to be exceeded more than 10-15 times a night) due to noise associated with the east coast main line.

I would therefore be grateful if you could please arrange for the required noise assessment to be undertaken and submitted for our consideration. If you would like to discuss the requirements of the requested Noise Assessment please contact Colin Clark (Senior Environmental Health Officer) on Tel: 01620 827443 or Email: cclark1@eastlothian.gov.uk.

3. In addition, the Contaminated Land Officer advises that although there is no historical evidence to suggest that the site has been subjected to any significant degree of potential contaminative use and has predominantly been agricultural/open land for most of its history. The site as it currently stands has been up-filled with imported materials, which do not look to be inert. Given the unknown nature of this fill material and the sensitive nature of the proposed development for residential development it is recommended that the following condition be attached if planning permission were to be granted:

- **Prior to any site development works a Geo-Environmental Site Investigation Report must be made available and be approved by the Planning Authority. It should include details of the following:**
 - *Phase I - A preliminary investigation incorporating a desk study, site reconnaissance, development of a conceptual model and an initial risk assessment.*
 - *Phase II - Incorporating a site survey (ground investigation and sample analysis) and risk evaluation. It is required if the Phase I investigation has indicated that the site is potentially contaminated and the degree and nature of the contamination warrants further investigation.*
 - *Phase III - Where risks are identified, the site investigation reports must contain a Remediation Strategy detailing and quantifying any works which must be undertaken in order to reduce the risks to acceptable levels.*

- **Should remedial works be required then, prior to the site being occupied, a Validation Report shall be submitted to the Planning Authority confirming that the works have been carried out in accordance with the Remediation Strategy.**
- **The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial measures are required.**

If you would like to discuss this matter the Contaminated Land Officer would be happy to discuss the requirements of the investigation with you. The Contaminated Land Officer is Scott Callow who can be contacted on Tel: 01620 827256 or Email: scallow@eastlothian.gov.uk

4. Local Plan Policy H4 (Affordable Housing) requires that development proposals that in their totality will bring forward five or more houses must make provision within the development for affordable housing. The proposed development is for housing development however, the indicative drawings show a layout for 9 houses on the site. On this basis the proposed development has been assessed as a development for 9 houses. Thus, the proposed development falls to be considered under this Policy. In the case of this application, under the terms of the East Lothian affordable housing policy approved by the Council on 31st January 2006 and Policy H4, the required proportion of affordable housing is 25% of the total number of housing units. Therefore of 9 units, 2 will be required for affordable housing. In exceptional circumstances serviced land, off-site provision or a commuted sum may be considered. The size, tenure and house types of the units provided on the area allocated for affordable units will be determined by the need for affordable housing within the area and East Lothian Council's Economic Development and Strategic Investment team will be able to advise on housing need requirements. It is recommended that contact be made at the earliest stage possible to begin discussions with East Lothian Council Economic Development and Strategic Investment Housing Enabler, Anna Stewart to discuss the arrangements for the delivery of the affordable housing element of the application. I have attached a copy of the consultation response from Economic Development and Strategic Investment for your information and would recommend you contact them to discuss this matter.
5. In addition, as the proposals indicatively shown are for a 9 house development, the application must also be assessed under the terms of Policy INF3 (Infrastructure and Facilities Provision). Education provision is considered under this Policy. In order to assist the Council's Education Service in considering the impact on service provision in this area and the required contribution, if relevant, I would be grateful if you could please provide me with a predicted date for the build year(s) for the proposed 9 house development should planning permission be granted.

Could you please let me have your response to these matters at your earliest convenience.

I am still awaiting a number of other consultation comments and will respond to you on other matters as I receive those comments.

I trust that this is of assistance to you however if you require any further information or assistance regarding this matter please do not hesitate to contact me on the telephone number above.

You will appreciate that the content of this email is an expression of officer opinion only which is given without prejudice to any decision taken by the Council in respect of the application for planning permission.

Yours sincerely,

A solid black rectangular box used to redact the signature of Stephanie McQueen.

Stephanie McQueen
Planner (Planning Delivery)
Communities and Partnerships

21ST FEB 2019

EAST LoTHIAN COUNCIL: ECONOMIC DEVELOPMENT AND STRATEGIC INVESTMENT

**PLANNING APPLICATION: AFFORDABLE HOUSING RESPONSE
POLICY BACKGROUND**

The supply of affordable housing remains a high priority for the Scottish Government. Scottish Planning Policy (SPP) states that the planning system should contribute to raising the rate of new house building by identifying a generous supply of land for the provision of a range of housing, including affordable housing, in the right places.

Affordable housing is defined in SPP as housing of a reasonable quality that is affordable to people on modest incomes. In some places the market provides some or all of the affordable housing needed, while in other places it will be necessary to make housing available at a cost below market value to meet an identified need.

Paragraph 128 of SPP states that local development plans should clearly set out the scale and distribution of the affordable housing requirement for their area. Where the HNSA and local housing strategy process identify a shortage of affordable housing, the plan should set out the role that planning will take in addressing this. Paragraph 129 states that local development plans should identify any expected developer contributions towards delivery of affordable housing.

The East Lothian Council Affordable Housing Policy was adopted by the Council on 31 January 2006. Its terms are incorporated within Policy H4: Affordable Housing of the adopted East Lothian Local Plan 2008. The East Lothian Council Housing Needs Assessment demonstrates a shortfall of affordable housing. This shortfall of affordable housing has been incorporated into the East Lothian Local Housing Strategy 2012-2017.

The East Lothian Council Affordable Housing Policy requires that development proposals that in their totality will bring forward five or more houses (including conversions) must make provision within the development for affordable housing. The Policy also stipulates that, in exceptional circumstances offsite provision or a commuted sum may be considered.

The Policy sets out that the affordable housing provision requirement is 25% across East Lothian based on the Housing Needs Assessment with two exceptions which are set out below:

Letham Mains	17%
Blindwells	30%

PHONED 16TH APRIL 2019

17/00157/PP Planning permission in principle for housing development at Land at Meadowmill, Tranent, East Lothian

This application for 17/00157/PP planning permission in principle for housing development at Land at Meadowmill, Tranent, East Lothian falls to be considered under the terms of the East Lothian affordable housing policy approved by Council on 31st January 2006. As such a requirement is expected under its terms and under the terms of Policy H4 of the adopted East Lothian Local Plan 2008.

In the case of this application, there is a requirement to deliver 25% of the total number of housing units for affordable housing. Therefore of 9 units, 2 will be required for affordable housing. In exceptional circumstances serviced land, offsite provision or a commuted sum may be considered.

The size, tenure and house types of the units provided on the area allocated for affordable units will be determined by the need for affordable housing within the area and East Lothian Council's Economic Development and Strategic Investment team will be able to advise on housing need requirements.

It is recommended that contact be made at the earliest stage possible to begin discussions with East Lothian Council Economic Development and Strategic Investment Housing Enabler, Anna Stewart to discuss the arrangements for the delivery of the affordable housing element of the application.

Contact:

Anna Stewart

Housing Enabler

Email: astewart@eastlothian.gov.uk

Economic Development and Strategic

Investment

East Lothian Council

John Muir House

Haddington

East Lothian

EH41 3DX

Tel: 01620 827403

Our Ref: WMX/JP/JUN'09/19
Your Ref:

Mr Paul Gray
2 Smeatonhead Farm Cottages
Dalkeith
Midlothian
EH22 2NJ

If telephoning ask for:
Joanne Pope

17 June 2009

Dear Paul

**ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED)
WASTE MANAGEMENT LICENSING REGULATIONS 1994 (AS AMENDED)
REGISTRATION OF EXEMPT ACTIVITY, SCHEDULE 3, PARAGRAPH 19
REGISTRATION NUMBER: WMX/E/0037781
LOCATION OF EXEMPT ACTIVITY: MEADOWMILL, TRANENT
DATE OF EXPIRY: 14/07/2009**

I refer to your registration for the above exempt activity.

For sites that are registered to handle more than 2,500 cubic metres of waste there is a legal requirement under the Registration Obligations under Regulation 18A of the Waste Management Licensing Regulations 1994 (as amended by the Waste Management Licensing Amendment (Scotland) Regulations 2004) that "records shall be kept of the quantity, nature, origin, destination and method of recovery or disposal of all waste" used in reliance of the exempt activity. This information must be kept for at least 2 years and be submitted to or made available to SEPA on request.

This letter is a formal request for this waste data information, if you are registered to use in excess of 2,500 cubic metres of waste.

The information required is for the 12 month period covered by the above registration which has recently ended or is due to end shortly. The attached Annual Return Form for Exempt Activities is for waste data purposes only and should be completed and returned to me at the address below within 28 days of the end of your registration period. Guidance notes are enclosed to assist you.

The form is also available electronically as a Word document and an Excel spreadsheet. These versions can be obtained by e-mailing waste.data@sepa.org.uk.

If you require further clarification or assistance in completing the form I can be contacted on 01786 455958.



Chairman
David Sigsworth

Chief Executive
Dr Campbell Gemell

Corporate Office
Erskine Court, Castle Business Park, Stirling FK9 4TR
tel 01786 457700 fax 01786 446885
www.sepa.org.uk

Renewing your Registration -

The particulars entered on the exemption register are removed when the 12 month registration period expires. If you wish to continue to receive and use waste at the above site after this period, you should send a Renewal Notice to SEPA no later than 21 days before the registration expiry date. Registration application/renewal forms are available on SEPA's website, or alternatively contact your local SEPA office.

Yours sincerely



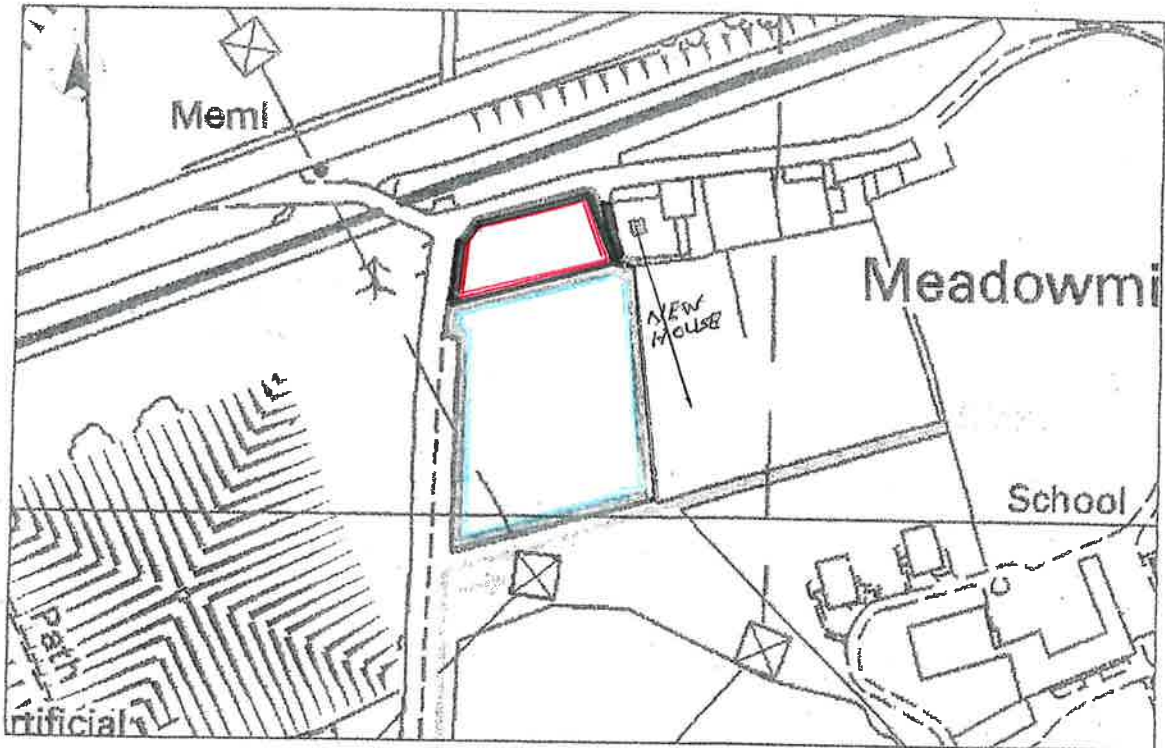
**Joanne Pope
Waste Data Officer – South East**

Encs

*Joanne Pope
Waste Data Officer – South East
SEPA
Bremner House
Castle Business Park
Stirling
FK9 4TF
Tel: 01786 455958
Email: joanne.pope@sepa.org.uk ~ waste.data@sepa.org.uk*

(No 1) SHOWS NEW HOUSE

SITE INFORMATION	
Topic	Comments
Site Name	Meadowmill, Prestonpans EH33 1LZ
Site Ref	PM/TT/HSG054
Source of Site Suggestion	Paul Gray (landowner)
Site Size (ha)	1.2ha
Current Use	Vacant land
Proposed Use	Housing
Summary Description	An area of vacant land adjacent to the small grouping of dwellings at Meadowmill.



0 0.025 0.05 0.075 0.1 kilometres

Produced by permission of Ordnance Survey on behalf of HMSO. (C) Crown Copyright and © right 2011. All rights reserved. Ordnance Survey license number 100023361.

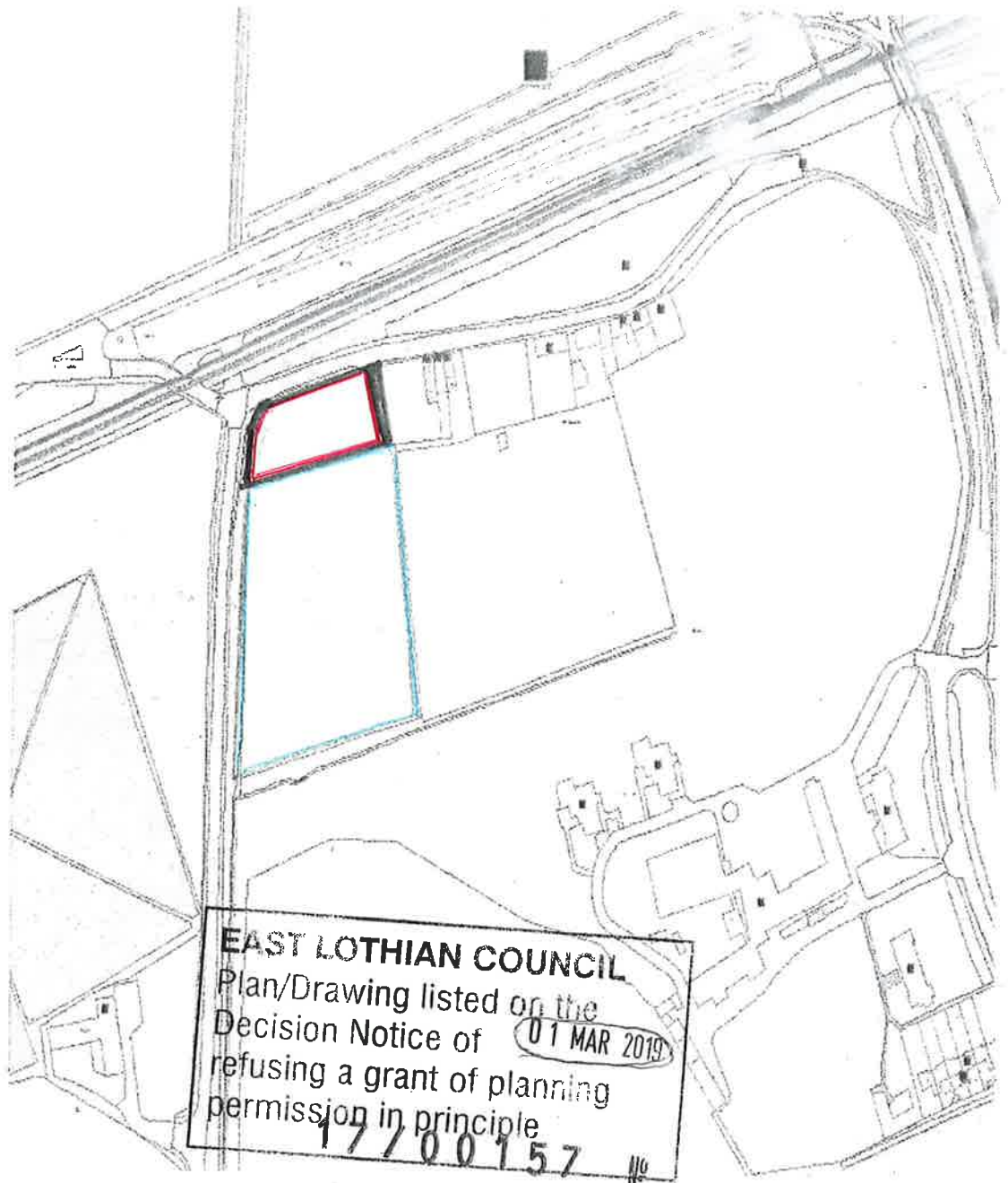
EAST LoTHIAN COUNCIL
Plan/Drawing listed on the
Decision Notice of **01 MAR 2019**
refusing a grant of planning
permission in principle
17/00157 No

17/00157 No

RECEIVED 27 FEB 2017

DWG 1
(Handwritten signature)

(No 2)

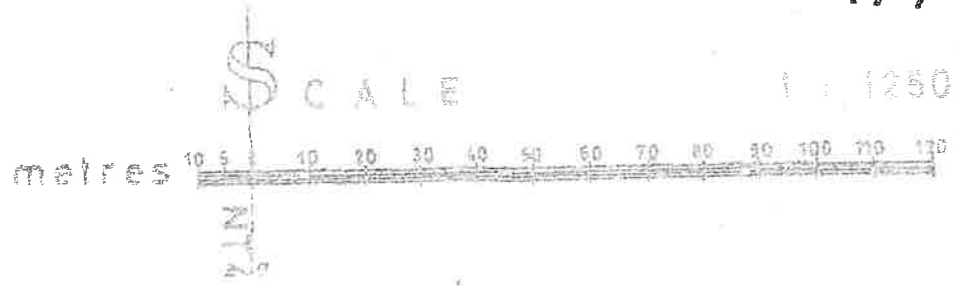


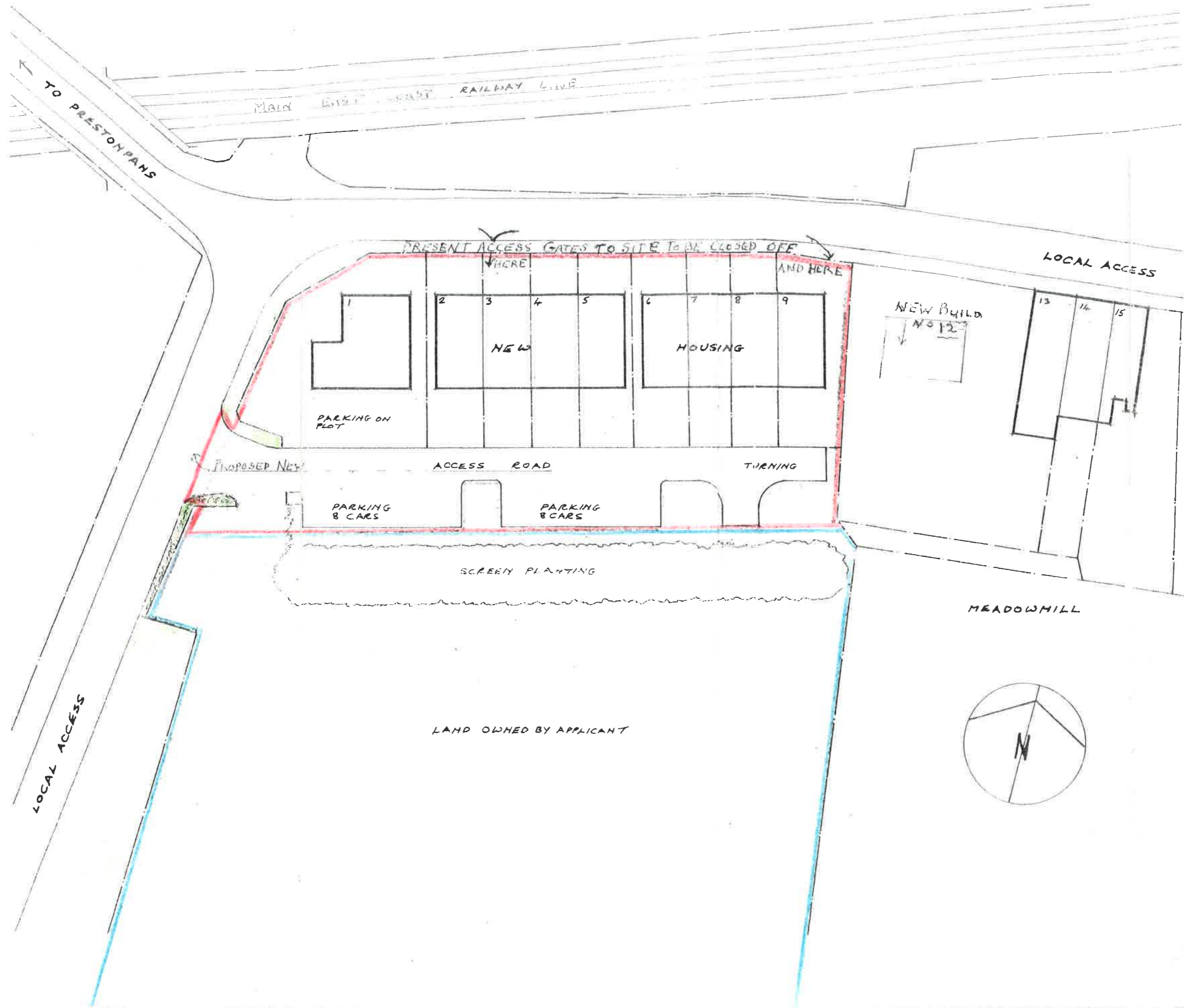
EAST LOTHIAN COUNCIL
Plan/Drawing listed on the
Decision Notice of **01 MAR 2019**
refusing a grant of planning
permission in principle
17/00157 #

RECEIVED 27 FEB 2017

17/00157 #

dwg 2
2





EAST LOTHIAN COUNCIL
 Plan/Drawing listed on the
 Decision Notice of 01 MAR 2019
 refusing a grant of planning
 permission in principle
 17/00157

RECEIVED 26 MAR 2017

RECEIVED 27 FEB 2017

DWG 3
 3

MR P. GRAY
 HOUSING DEVELOPER
 MEADOWHILL

17/00157

SITE LAYOUT 1:500